

§ 323.6

32 CFR Ch. I (7–1–11 Edition)

held in confidence, or prior to September 27 1975, under an implied promise that the identity of the source would be held in confidence.

(vi) Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service, the disclosure of which would compromise the objectivity or fairness of the testing or elimination process.

(vii) Evaluation material used to determine potential for promotion in the Military Services, but only the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence or prior to September 27, 1975, under an implied promise that the identity of the source would be held in confidence. System managers will specify those categories of individuals for whom pledges of confidentiality may be made when obtaining information on an individual's suitability for promotion.

(viii) Exemption rules for DLA systems of records are published in appendix H of this part.

(1) *Matching Program Procedures.* The OMB has issued special guidelines to be followed in programs that match the personal records in the computerized data bases of two or more Federal agencies by computer (see appendix E). These guidelines are intended to strike a balance between the interest of the Government in maintaining the integrity of Federal programs and the need to protect individual privacy expectations. They do not authorize matching programs as such and each matching program must be justified individually in accordance with the OMB guidelines.

(1) Forward all requests for matching programs to include necessary routine use amendments and analysis and proposed matching program reports to DLA Support Services. Changes to existing matching programs shall be processed in the same manner as a new matching program report.

(2) No time limits are set by the OMB guidelines. However, in order to establish a new routine use for a matching program, the amended system notice must have been published in the FED-

ERAL REGISTER at least 30 days before implementation. Submit the documentation required above to DLA Support Services (DSS-CA) at least 60 days before the proposed initiation date of the matching program. Waivers to the 60 days' deadline may be granted for good cause shown. Requests for waivers will be in writing a fully justified.

(3) For the purpose of the OMB guidelines, DoD and all DoD Components are considered a single agency. Before initiating a matching program using only the records of two or more DoD activities, notify DLA Support Services (DSS-CA) that the match is to occur. Further information may be requested from the activity proposing the match.

(4) System managers shall review annually each system of records to determine if records from the system are being used in matching programs and whether the OMB Guidelines have been complied with.

[DLAR 5400.21, 51 FR 33595, Sept. 22, 1986, unless otherwise noted. Redesignated at 56 FR 57803, Nov. 14, 1991, as amended at 66 FR 41781, Aug. 9, 2001.]

§ 323.6 Forms and reports.

DLA activities may be required to provide data under reporting requirements established by the Defense Privacy Office and DLA Support Services (DSS-CA). Any report established shall be assigned Report Control Symbol DD-DA&M(A)1379.

[66 FR 41782, Aug. 9, 2001]

APPENDIX A TO PART 323—INSTRUCTIONS FOR PREPARATION OF SYSTEM NOTICES

A. *System identification.* See DLAH 5400.1.¹

B. *System name.* The name of the system reasonably identifies the general purpose of the system and, if possible, the general categories of individuals involved. Use acronyms only parenthetically following the title or any portion thereof, such as, "Joint Uniform Military Pay System (JUMPS)." Do not use acronyms that are not commonly known unless they are preceded by an explanation. The system name may not exceed 55 character positions including punctuation and spacing.

¹Copies may be obtained from the Defense Logistics Agency, ATTN: DSS-CV, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060-6221.

²[Reserved]

C. *System location* 1. For systems maintained in a single location provided the exact office name, organizational identity, and address or routing symbol. For geographically or organizationally decentralized systems, specify each level of organization or element that maintains a segment of the system. For automated data systems with a central computer facility and input/output terminals at several geographically separated location, list each location by category.

2. When multiple locations are identified by type of organization, the system location may indicate that official mailing addresses are contained in an address directory published as an appendix to DLAH 5400.1.

3. If no address directory is used or the addresses in the directory are incomplete, the address of each location where a segment of the record system is maintained must appear under the "System Location" caption. Classified addresses are not listed, but the fact that they are classified is indicated. Use the standard U.S. Postal Service two letter state abbreviation symbols and zip codes for all domestic addresses.

D. *Categories of individuals covered by the system*. Set forth the specific categories of individuals to whom records in the system pertain in clear, easily understood, nontechnical terms. Avoid the use of broad over-general descriptions, such as "all DLA personnel" or "all civilian personnel" unless this actually reflects the category of individuals involved.

E. *Categories of records in the system*. Describe in clear, nontechnical terms the types of records maintained in the system. Only documents actually retained in the system of records will be described, not source documents that are used only to collect data and then destroyed.

F. *Authority for maintenance of the system*. 1. Cite the specific provisions of the Federal statute or Executive Order that authorizes the maintenance of the system. Include with citations for statutes the popular names, when appropriate (for example, title 51, United States Code, section 2103, "Tea-Tasters Licensing Act"), and for Executive Orders, the official title (for example, Executive Order 9397, "Numbering System for Federal Accounts Relative to Individual Persons").

2. For administrative housekeeping records, cite the directive establishing DLA as well as the Secretary of Defense authority to issue the directive. For example, "Pursuant to the authority contained in the National Security Act of 1947, as amended (10 U.S.C. 133d), the Secretary of Defense has issued DoD Directive 5105.22 (32 CFR part 398), Defense Logistics Agency (DLA), the charter of the Defense Logistics Agency (DLA) as a separate agency of the Department of Defense under this control. Therein, the Director, DLA, is charged with the re-

sponsibility of maintaining all necessary and appropriate records."

G. *Purpose or purposes*. List the specific purposes for maintaining the system of records by the activity. Include the use made of the information within DLA and the Department of Defense (so-called "internal routine uses").

H. *Routine uses*. 1. The blanket routine uses that appear in DLAH 5400.1³ apply to all systems notices unless the individual system notice specifically states that one or more of them do not apply to the system. For all other routine uses, when practical, list the specific activity to which the record may be released, to include any routine automated system interface (for example, "to the Department of Justice, Civil Rights Compliance Division," "to the Veterans Administration, Office of Disability Benefits," or "to state and local health agencies").

2. For each routine use identified, include a statement as to the purpose or purposes for which the record is to be released to the activity. Do not use general statements, such as, "to other Federal agencies as required" and "to any other appropriate Federal agency."

I. *Policies and practices for storing, retiring, accessing, retaining, and disposing of records*. This caption is subdivided into four parts:

1. *Storage*. Indicate the medium in which the records are maintained. (For example, a system may be "automated, maintained on magnetic tapes or disks," "manual, maintained in paper files," or "hybrid, maintained in a combination of paper and automated form.") Storage does not refer to the container or facility in which the records are kept.

2. *Retrievability*. Specify how the records are retrieved (for example, name and SSN, name, SSN) and indicate whether a manual or computerized index is required to retrieve individual records.

3. *Safeguards*. List the categories of DLA personnel having immediate access and these responsible for safeguards (such as storage in safes, vaults, locked cabinets or rooms, use of guards, visitors registers, personnel screening, or computer "fail-safe" systems software). Do not describe safeguards in such detail as to compromise system security.

4. *Retention and disposal*. Indicate how long the record is retained. When appropriate, state the length of time the records are maintained by the activity, when they are transferred to a Federal Records Center, length of retention at the Records Center and when they are transferred to the National Archives or are destroyed. A reference

³Copies may be obtained from the Defense Logistics Agency, ATTN: DSS-CV, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060-6221.

to DLAI 5015.1,⁴ DLA Records Management Procedures and Records Schedules, or other issuances without further detailed information is insufficient.

J. System manager or managers and address.

1. List the title and address of the official responsible for the management of the system. If the title of the specific official is unknown, such as for a local system, specify the local commander or office head as the systems manager.

2. For geographically separated or organizationally decentralized activities for which individuals may deal directly with officials at each location in exercising their rights, list the position or duty title of each category of officials responsible for the system or a segment thereof.

3. Do not include business or duty addresses if they are listed in DLAH 5400.1.

K. Notification procedures. 1. If the record system has been exempted from subsection (e)(4)(G) of the Privacy Act, so indicate.

2. For all nonexempt systems, describe how an individual may determine if there are records pertaining to him or her in the system. The procedural rules may be cited, but include a brief procedural description of the needed data. Provide sufficient information in the notice to allow an individual to exercise his or her rights without referrals to this part.

3. As a minimum, the caption will include:

a. The official title (normally the system manager) and official address to which request is to be directed.

b. The specific information required to determine if there is a record of the individual in the system.

c. Identification of the offices through which the individual may obtain access.

d. A description of any proof of identity required.

4. When appropriate, the individual may be referred to an activity official who shall provide this data to him or her.

L. Record access procedures. 1. If the record system has been exempted from subsection (e)(4)(H) of the Privacy Act, so indicate.

2. For all nonexempt record systems, describe the procedures under which individuals may obtain access to the record pertaining to them in the system. When appropriate, the individual may be referred to the system manager or activity official to obtain access procedures. Do not repeat the addresses listed in DLAH 5400.1, but refer the individual to that directory.

M. Contesting record procedures. 1. If the record system has been exempted from subsection (e)(4)(H) of the Privacy Act, so indicate.

⁴Copies may be obtained from the Defense Logistics Agency, ATTN: DSS-CV, 8725 John J. Kingman Road, Suite 2533, Fort Belvoir, VA 22060-6221.

2. For all nonexempt systems of records, state briefly how an individual may contest the content of a record pertaining to him or her in the system. The detailed procedures for contesting record accuracy, refusal of access or amendment, or initial review and appeal need not be included if they are readily available elsewhere and can be referred to by the public. (For example, "The Defense Logistics Agency rules for contesting contents and for appealing initial determinations are contained in 32 CFR part.") (DLAR 5400.21).

3. The individual may also be referred to the system manager to determine these procedures.

N. Record source categories. 1. If the record system has been exempted from subsection (e)(4)(I) of the Privacy Act, so indicate.

2. For all nonexempt systems of records, list the sources of the information in the system. Specific individuals or institutions need not be identified by name, particularly if these sources have been granted confidentiality.

O. System exempted from certain provisions of the Privacy Act. 1. If no exemption has been claimed for the system, indicate "None."

2. If there is an exemption claimed, indicate specifically under which subsection of the Privacy Act is claimed. Cite the regulation and CFR section containing the exemption rule for the system. (For example, "Parts of this record system may be exempt under title 5, United States Code, sections 552a(k)2. and (5), as applicable. See exemption rules contained in 32 CFR part 323.") (DLAR 5400.21).

[DLAR 5400.21, 51 FR 33595, Sept. 22, 1986. Redesignated and amended at 56 FR 57803, Nov. 14, 1991; 66 FR 41781, Aug. 9, 2001]

APPENDIX B TO PART 323—CRITERIA FOR NEW AND ALTERED RECORD SYSTEMS

A. Criteria for a new record system. A new system of records is one for which there has been no system notice published in the FEDERAL REGISTER. If a notice for a system, of records has been canceled or deleted, before reinstating or reusing the system, a new system notice must be published in the FEDERAL REGISTER.

B. Criteria for an altered record system. A system is considered altered whenever one of the following actions occurs or is proposed:

1. A significant increase or change in the number or type of individuals about whom records are maintained.

a. Only changes that alter significantly the character and purpose of the records system are considered alterations.

b. Increases in numbers of individuals due to normal growth are not considered alterations unless they truly alter the character and purpose of the system.